



Entered on Docket
October 08, 2010

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Amended Order Sustaining Fourth
Omnibus Objection Of USACM Trust To
Proofs Of Claim Based In Part Upon
Investment In The Huntsville Loan aka the
West Hills Park Loan**

Date of Hearing: September 23, 2010
Time of Hearing: 10:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fourth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based In Part Upon Investment In the Huntsville Loan aka the West Hills
3 Park Loan Loan” [DE 8143] (the “Objection”); the Court having heard the Objection on
4 September 23, 2010; appropriate notice of the Objection having been given; no response to
5 the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 8143] is sustained;

8 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
9 claims are based upon an investment in the Huntsville Loan aka the West Hills Park Loan
10 Loan for the reasons set forth in the objection.

11 3. The claims listed on **Exhibit A** are not affected by this order to the extent
12 they are based upon an investment in another loan.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15
16 By/s/ John Hinderaker (AZ 18024)

17 Robert M. Charles, Jr.

18 John Hinderaker (*pro hac vice*)

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker
Attorneys for USACM Liquidating Trust

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Huntsville
Multiple Loans

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Huntsville Loan
10725-00578	M Evelyn Fisher Revocable Trust Dtd 11/7/05	C/O M Evelyn Fisher &/Or Successor(S) In Trust 208 Avenida Ostion Rio Rico, AZ 85648	157,685.97	54,310.67
10725-02125	Marilyn Johnson Living Trust Dtd 10/5/99	Marilyn Johnson Trustee 1010 Larue Ave Reno, NV 89509	202,800.00	50,000.00
10725-02328	Marion C Sharp Ira	20 Leroy Terrace New Haven, CT 06512-3114	450,000.00	100,000.00
10725-02433	Michaelian Holdings Llc	413 Canyon Greens Dr Las Vegas, NV 89144-0829	1,267,075.50	50,000.00
10725-02353	Musso Living Trust Dtd 11/30/92	Walter & Barbara Musso Ttees Po Box 2566 Avila Beach, CA 93424	623,004.79	50,000.00
10725-02097	Rgf Revocable Trust	Robert G Fuller Ttee 5172 English Daisy Way Las Vegas, NV 89142	487,047.24	50,000.00
10725-02279	Winkler Family Trust Dtd 3/13/86	Carmel & Rudolf Winkler Trustee 10000 Rossbury PL Los Angeles, CA 90064	1,210,635.98	50,000.00
10725-02278	Winkler Ira, Rudolf	10000 Rossbury PL Los Angeles, CA 90064-4826	651,800.22	50,000.00
10725-01952	Zerbo, Anthony J	780 Saratoga Ave Apt S-107 San Jose, CA 95129	1,757,710.50	50,000.00

EXHIBIT A